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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,365	01/23/2006	Yasuhiro Ono	44920146PUS1	5618
2292 7590 06/05/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
HA, NGUYEN Q				
ART UNIT		PAPER NUMBER		
2854				
NOTIFICATION DATE		DELIVERY MODE		
06/05/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/565,365

Applicant(s)

ONO ET AL

Examiner

"Wyn" Q. HA

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 1/23/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

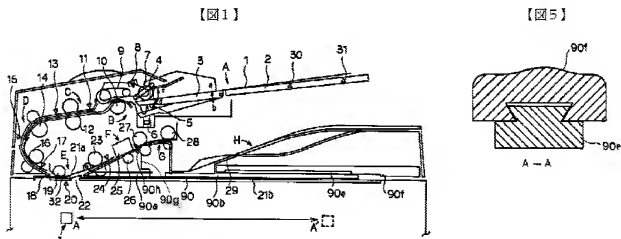
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2 and 9-12 are rejected under 35 U.S.C. 102(a) as being anticipated by Kitaoka (JP 2002278174 A).

Kitaoka teaches the following:

Claim 1:

A document transporting device (fig. 1), comprising:

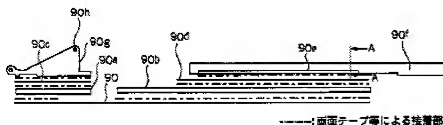


a platen cover adapted to expose and cover a platen (21a, 21b), the platen cover including an automatic document transporting section ADF that has a document transport path formed therein for transporting an original document to the platen;

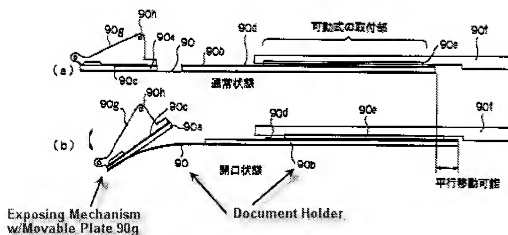
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a document holder 90 ("pressure plate white sheet") mounted on a mounting portion of a surface of the platen cover, the surface facing the platen when the platen is covered with the platen cover;

【図4】



【図6】



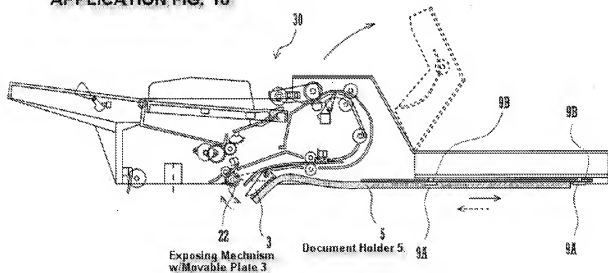
an exposing mechanism including a movable plate 90g, the movable plate being disposed between the document transport path and an exposed area that is located at a lateral end of the mounting portion (as shown in fig. 6, reproduced above),

wherein the exposing mechanism is adapted to expose the document transport path through the exposed area by moving, away from the exposed area, the movable plate 90g and a first portion of the document holder 90 that is positioned on the exposed area (See fig. 6b &

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Paragraph 0024 "a lower guide plate, contained in the exit unit 90g, is opened wide for jam processing." Paragraph [0040] "the opening for the jam processing of the ADF can smoothly and fully be opened without removing the pressure plate itself").

Compare Kitaoka's teaching illustrated by figs. 1, 4 & 6, reproduced above, to application claimed invention illustrated by fig. 10, reproduced below:

APPLICATION FIG. 10

Claim 2:

The document transporting device according to claim 1, wherein the movable plate 90g has a first surface and a second surface, the first surface serving as part of the document transport path, the second surface being connected to the first portion of the document holder, and the movable plate 90g being supported pivotably around a pivot shaft 90h that is oriented in a direction perpendicular to a document transport direction (See figs. 1 & 6).

Claim 9:

The document transporting device according to claim 1, wherein the exposing mechanism (90g, 90h) is adapted to withdraw the document holder 90 along the surface of the platen cover in a direction away from the document transport path (as shown in figs. 6a & 6b. Note that the document holder 90 slides along the surface of the platen cover — See further discussion in claim 8 below).

Claim 10:

A document transporting device, comprising:

a platen cover adapted to expose and cover a platen, the platen cover including an automatic document transporting section ADF that has a document transport path formed therein for transporting an original document to the platen;

a document holder mounted on a mounting portion of a surface of the platen cover so as to be movable (sliding) laterally along the surface (as shown in figs. 6a & 6b — See further discussion in claim 8 below), the surface facing the platen when the platen is covered with the platen cover; and

a movable plate 90g disposed between the document transport path and an exposed area that is located at a lateral end of the mounting portion, the movable plate being adapted to be movable from an exposing position to a covering position and vice versa, the document transport path being exposed when the movable member is in the exposing position and covered when the movable member is in the covering position (See discussion in claim 1).

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Claim 11:

All that is claimed, including a document reading device (Paragraph [0001] "image reader") and document reading section adapted to read image data from an original document placed on the platen (Paragraph 0028 "manuscript reading").

Claim 12:

All that is claimed, including an image forming apparatus (Paragraph 0001 "image forming device"), a document reading section adapted to read image data from an original document placed on the platen (as discussed in claim 11); and an image forming section adapted to form an image based on image data as read by the document reading section (Paragraph 0001 "copying machine").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitaoka in view of Rude (US 6,470,532 B2).

Claim 3:

Kitaoka, as discussed above, teaches the document transporting device according to claim 2.

Kitaoka, however, doesn't teach a biasing member for applying to the movable plate 90g such a force as to move the movable plate 90g from an exposing position to a covering position, the document transport path being exposed when the movable member 90g is in the exposing position and covered when the movable member 90g is in the covering position. Kitaoka seems to rely on friction force of a friction hinge (having pin 90h) to keep the movable member 90g tightly closed in a covering position (See paragraph 0042). A reason for the movable member 90g to be tightly closed is to maintain a same transport path when feeding documents.

Incidentally, Rude teaches that all friction hinges exhibit some amount of spring back. When these hinges (for example, a friction hinge of fig. 1, reproduced below) of a laptop computer having such hinges but no latch mechanism) are closed, they spring open slightly due to the strain energy stored in the spring element that produces the hinge's friction. Therefore, additional closing torque, beyond that provided by the friction hinge, is needed to keep a lid or plate equipped with a friction hinge tightly closed (Col. 1 lines 43-52). Rude further teaches a biasing member 31 (fig. 10) providing the additional torque to keep the lid or plate tightly closed.

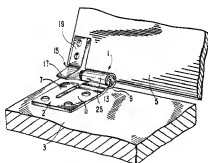


FIG. 1

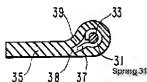


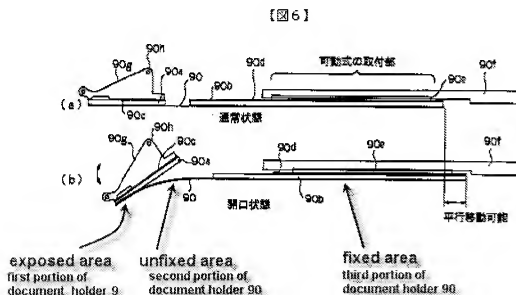
FIG. 10

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It would have been obvious to one of ordinary skill in the art at the time the present invention was made to recognize that all friction hinges exhibit some amount of spring back and a biasing member (e.g. spring) would be needed to provide additional torque to keep a friction hinge tightly closed, as taught by Rude. As such, it would also have been obvious to provide Kitaoka's device with a biasing member for applying to the movable plate 90g such a force (or torque) as to move the movable plate 90g from an exposing (open) position to a covering (closed) position, so that the movable plate 90g would be tightly closed when it is in the covering position.

Claim 4:

Kitaoka as modified teaches the document transporting device according to claim 3, wherein the mounting portion has an unfixed area that a second portion of the document holder 90 faces but is not fixed to (See fig. 6b, reproduced below), and



a fixed area that a third portion of the document holder 90 faces and is fixed to, the exposed area and the fixed area sandwiching the unfixed area therebetween, and wherein the document holder 90 is supported in at least part of the exposed area by the movable plate 90g and supported in at least part of the fixed area by the platen cover.

Claim 5:

Kitaoka as modified teaches the document transporting device according to claim 4, wherein the exposing mechanism (90g, 90h) is adapted to withdraw the first portion of the document holder 90 by pivoting the first portion in a direction away from the document transport path, and wherein the second portion is adapted to bend smoothly (as shown in fig. 6b).

Claim 6:

Kitaoka as modified teaches the document transporting device according to claim 5, wherein the document holder has a sheet member 90 attached to each of the second and third portions, the sheet member being flat and smooth (as shown).

Claim 7:

Kitaoka as modified teaches the document transporting device according to claim 6, wherein the document holder 90 is adapted to be detachable from the movable plate and from the platen cover (Paragraph 0039 "the attachment method for the pressure plate part is based on adhesion by a double-sided tape," which is detachable).

Claim 8:

The document transporting device according to claim 3, wherein the exposing mechanism (90g, 90h) is adapted to withdraw the first portion of the document holder 90 by pivoting the first portion in a direction away from the document transport path, and wherein portions of the document holder other than the first portion (i.e. the third portion) are adapted to be movable (sliding) along the surface of the platen cover (See figs. 6a & 6b and paragraph 0039 "said pressure plate part can be slid horizontally").

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to 'Wyn' Q. HA whose telephone number is (571)272-2863. The examiner can normally be reached on Monday - Friday, from 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NQH

/Jill E. Culler/
Primary Examiner, Art Unit 2854